



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2389

Introduced 02/16/05, by Rep. Careen M Gordon

SYNOPSIS AS INTRODUCED:

740 ILCS 45/6.1

from Ch. 70, par. 76.1

Amends the Crime Victims Compensation Act. Provides that "legal disability" includes posttraumatic stress disorder. Provides that, to qualify for the right to compensation for victims of specified offenses, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, if the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances. Provides that, if the applicant has obtained an order of protection or a civil no contact order or has presented at a hospital for sexual assault evidence collection and medical care, the applicant's action shall constitute appropriate notification and cooperation under the Act. Requires the applicant to cooperate with law enforcement officials (instead of fully cooperate with law enforcement officials) in order to qualify for the right to compensate under the Act.

LRB094 09365 LCB 41002 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Crime Victims Compensation Act is amended by
5 changing Section 6.1 as follows:

6 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

7 Sec. 6.1. Right to compensation. A person is entitled to
8 compensation under this Act if:

9 (a) Within 2 years of the occurrence of the crime upon
10 which the claim is based, he files an application, under oath,
11 with the Court of Claims and on a form prescribed in accordance
12 with Section 7.1 furnished by the Attorney General. If the
13 person entitled to compensation is under 18 years of age or
14 under other legal disability at the time of the occurrence or
15 becomes legally disabled as a result of the occurrence, he may
16 file the application required by this subsection within 2 years
17 after he attains the age of 18 years or the disability is
18 removed, as the case may be. Legal disability includes a
19 diagnosis of posttraumatic stress disorder.

20 (b) For all crimes of violence, except those listed in
21 subsection (b-1) of this Section, the ~~The~~ appropriate law
22 enforcement officials were notified within 72 hours of the
23 perpetration of the crime allegedly causing the death or injury
24 to the victim or, in the event such notification was made more
25 than 72 hours after the perpetration of the crime, the
26 applicant establishes that such notice was timely under the
27 circumstances.

28 (b-1) For victims of offenses defined in Sections 12-13,
29 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961,
30 the appropriate law enforcement officials were notified within
31 7 days of the perpetration of the crime allegedly causing death
32 or injury to the victim or, in the event that the notification

1 was made more than 7 days after the perpetration of the crime,
2 the applicant establishes that the notice was timely under the
3 circumstances.

4 (b-2) If the applicant has obtained an order of protection
5 or a civil no contact order or has presented at a hospital for
6 sexual assault evidence collection and medical care, such
7 action shall constitute appropriate notification under
8 subsection (b) of this Section.

9 (c) The applicant has cooperated ~~fully~~ with law enforcement
10 officials in the apprehension and prosecution of the assailant.

11 (c-1) If the applicant has obtained an order of protection
12 or a civil no contact order or has presented at a hospital for
13 sexual assault evidence collection and medical care, such
14 action shall constitute cooperation under subsection (c) of
15 this Section.

16 (d) The applicant is not the offender or an accomplice of
17 the offender and the award would not unjustly benefit the
18 offender or his accomplice.

19 (e) The injury to or death of the victim was not
20 substantially attributable to his own wrongful act and was not
21 substantially provoked by the victim.

22 (Source: P.A. 92-286, eff. 1-1-02.)